

**BEFORE THE  
RESPIRATORY CARE BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2070

DANIEL HESTER  
17852 Orange Belt Drive, #7  
Porterville, CA 93257


Respiratory Care Practitioner License No. 18816

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on August 11, 2007.

It is so ORDERED August 1, 2007.

  
\_\_\_\_\_  
LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JOSE R. GUERRERO, State Bar No. 97276  
Supervising Deputy Attorney General  
3 CATHERINE E. SANTILLAN  
Senior Legal Analyst  
4 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5579  
6 Facsimile: (415) 703-5480

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **RESPIRATORY CARE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. R-2070

13 DANIEL HESTER  
17852 Orange Belt Drive, #7  
Porterville, CA 93257

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Respiratory Care Practitioner License No. 18816

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. Stephanie Nunez (Complainant) is the Executive Officer of the  
21 Respiratory Care Board of California. She brought this action solely in her official capacity and  
22 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of  
23 California, by Catherine E. Santillan, Senior Legal Analyst.

24 2. Daniel Hester (Respondent) is representing himself in this proceeding and  
25 has chosen not to exercise his right to be represented by counsel.

26 3. On or about September 3, 1996, the Respiratory Care Board of California  
27 issued Respiratory Care Practitioner License No. 18816 to Daniel Hester (Respondent). The  
28 License was in full force and effect at all times relevant to the charges brought in Accusation No.

1 R-2070 and will expire on February 28, 2008, unless renewed.

2 JURISDICTION

3 4. Accusation No. R-2070 was filed before the Respiratory Care Board  
4 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
5 Accusation and all other statutorily required documents were properly served on Respondent on  
6 April 3, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy  
7 of Accusation No. R-2070 is attached as exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations  
10 in Accusation No. R-2070. Respondent also has carefully read, and fully understands the effects  
11 of this Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the  
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
14 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;  
15 the right to present evidence and to testify on his own behalf; the right to the issuance of  
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
17 reconsideration and court review of an adverse decision; and all other rights accorded by the  
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in  
23 Accusation No. R-2070, agrees that cause exists for discipline and hereby surrenders his  
24 Respiratory Care Practitioner License No. 18816 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation he enables the  
26 Board to issue an order accepting the surrender of his Respiratory Care Practitioner License  
27 without further process.

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

2  
3  
4  
5  
6  
7  
8  
9  
0  
1

## 2

3  
4  
5

16  
17  
18

## 19

20  
2122  
23  
24  
2526  
27

28

1           15. Respondent shall cause to be delivered to the Board both his wall and  
2 pocket license certificate on or before the effective date of the Decision and Order.

3           16. Respondent fully understands and agrees that if he ever files an application  
4 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a  
5 petition for reinstatement. Respondent must comply with all the laws, regulations and  
6 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all  
7 of the charges and allegations contained in Accusation No. R-2070 shall be deemed to be true,  
8 correct and admitted by Respondent when the Board determines whether to grant or deny the  
9 petition.

10           17. Respondent specifically admits that he was convicted  
of the crimes contained in the accusation. However, he denies guilt and maintains  
ACCEPTANCE his position of innocence.

11           I have carefully read the Stipulated Surrender of License and Order. I understand  
12 the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter  
13 into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and  
14 agree to be bound by the Decision and Order of the Respiratory Care Board.

15 DATED: July 12, 2007.

16  
17   
18 Daniel Hester  
Respondent

19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 ENDORSEMENT

2 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
3 submitted for consideration by the Respiratory Care Board of the Department of Consumer  
4 Affairs.

5 DATED: July 13, 2007

6 EDMUND G. BROWN JR., Attorney General  
7 of the State of California

8 JOSE R. GUERRERO  
9 Supervising Deputy Attorney General

10 Catherine Santillan  
11 CATHERINE E. SANTILLAN  
12 Senior Legal Analyst

13 Attorneys for Complainant

14 DOJ Matter ID: SF2006400461  
15 40137652.wpd  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28